IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.3940 OF 2005

Sou.Lavangibai Punaji Gavali & Anr. ...Applicants
vs.
The State of Maharashtra ...Respondent

Mr.M.S. Marnik for the Applicants
Ms R.M.Gadhvi,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : JULY 13,2005.

P.C.:

1. In paragraph No.2 of order dated 7th July 2005 reads thus: "The Superior Officer of the Investigating Officer to submit an explanation to this Court why the Investigating Officer remained absent on two dates. If the explanation is not satisfactory further action will be ordered to be taken against the concerned Officer."

2. The order is very clear which directs that superior Officer of the Investigating Officer to submit an explanation why the Investigating Officer remained absent on two dates. The two dates are 30-6-2005 and 7-7-2005. However, the Affidavit which is filed today is of the Investigating Officer and not his Superior Officer. Moreover, in the said Affidavit there is no explanation whatsoever as regards absence of the Investigating Officer on 30-6-2005. Therefore, State is directed to comply with the order dated 7th July 2005 by filing appropriate Affidavit within a period of one week and only for that limited purpose the Application will be placed on board after one week.

3. The application for bail is by women applicants who are

respectively of 49 or 50 years old. The offence registered against the Applicants and co-accused is under Sections 363, 366 and 376 read with Section 34 of the Indian Penal Code. A complaint was filed by one Namdeo H. Gaikwad on 14th March 2005 that his niece Jijabai Bansilal Gaikwad was induced by the Applicants to marry one Vinodkumar Goyal and the Applicants obtained consideration of Rs.20,000/- from the said Vinodkumar. The allegation made in the statement of the said Jijabai is that on 8th February 2005 she was taken by the Applicants with them. The Applicants took her from place to place. On 12th February 2005 her marriage was performed with Vinodkumar. The allegation of commission of offence under Section 376 of the Indian Penal Code is against the said Vinodkumar.

4. Now the investigation is admittedly completed and charge sheet has been filed. It is not in dispute that the said Vinodkumar is enlarged on bail. From the case of the prosecution it appears that the said Jijabai was taken by the Applicants from 8th February 2005 from place to place and after so called marriage with Vinodkumar, the said Jijabai stayed with him for 7 to 8 days. Considering the fact that the Applicants are women and considering their respective ages, no purpose will be served by keeping them in custody after charge sheet is filed. The Applicants were arrested on 14th March 2005. Thus, they have been in custody for last four months. Hence, a case is made out for enlarging the applicants on bail.

5. Hence, I pass the following order :

i) The Applicants shall be enlarged on bail in connection with C.R.No.15 of 2005 registered with Abhona Police Station, Nashik Gramin subject to furnishing a personal bond of Rs.10,000/- (Rupees ten thousand) each with one or two local sureties in the like amount.

ii) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

iii) The Applicant shall cooperate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicant to delay the trial may be a ground for cancellation of bail.

iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

v) The parties to act upon an authenticated copy of this order.

. Stand over for a week for direction.

JUDGE